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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,699	02/28/2000	Weizhong Zhao	D/98621	8912

7590

07/29/2002

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EXAMINER

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

AS-12

Notification of Non-Compliance With 37 CFR 1.192(c)	Application No. 09/514,699	Applicant(s) ZHAO ET AL.	
	Examiner J. Dote	Art Unit 1756	

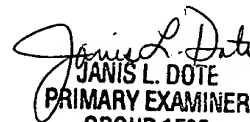
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 07 May 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See attached.


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PRIMARY EXAMINER
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5. Appellants' statement of the Issues does not separately include the rejections under 35 U.S.C. 103 set forth in the Final Office action, Paper No. 7.

(1) Claims 1, 4, 5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,345,296 (Wellings) combined with US Patent 5,254,427 (Lane) as evidenced by the Exxon product information bulletins for ISOPAR G and H.

(2) Claims 1, 3-5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,826,147 (Liu'147) combined with Wellings and Lane, as evidenced by the Exxon product information bulletins for ISOPAR G and H.

"Each stated issue should correspond to a separate ground of rejection which appellant wishes the Board of Patent Appeals and Interferences to review." MPEP 1206, Appeal Brief Content, page 1200-10.

6. Appellants first state that the Board should consider "each and every claim with respect to determining the 35 U.S.C. § 103 issues, and in this regard the claims do not stand or fall together." However, appellants then state, inconsistently, that the claims are grouped as follows: Group I - claim 1, and Group II - claims 3-5, 7, and 9.

It is not clear whether appellants want each of the claims 1, 3, 4, 5, 7, and 9 to be considered separate, or whether

appellants want claim 1 to be considered by itself and claims 3-5, 7, and 9 to be considered as standing and falling together.

Appellants' arguments do not clarify the groupings of claims. Appellants present separate arguments with respect to claim 1. There are no arguments with respect to claim 3. For claims 4, 5, 7, and 9, appellants do not present arguments as to why these claims are separately patentable, but merely point out differences in what the claims cover. 37 CFR 1.192(c)(7).

For each rejection on appeal, appellants should clearly state what claims stand or fall together.

If appellants want each claim to stand or fall separately, they must present separate arguments as to why each claim is separately patentable. Merely pointing out differences in what the claims cover is not an argument as to why the claims are separately patentable. 37 CFR 1.192(c)(7).

8. The copy of the claims in the Appendix does not incorporate the amendments to claims 3 and 10 filed in Paper No. 8 on Jan. 15, 2002. As indicated in the Advisory action mailed Jan. 31, 2002, Paper No. 9, the amendments will be entered upon filing of the Notice of Appeal. The copy of the claims should include the amendments to claims 3 and 10 filed in Paper No. 8.

The papers filed on May 7, 2002 (certificate of mailing dated Apr. 26, 2002) have not been made part of the permanent records of the United States Patent and Trademark Office (Office) for this application (37 CFR 1.52(a)) because of damage from the United States Postal Service irradiation process. The above-identified papers, however, were not so damaged as to preclude the USPTO from making a legible copy of such papers. Therefore, the Office has made a copy of these papers, substituted them for the originals in the file, and stamped that copy:

COPY OF PAPERS
ORIGINALLY FILED

If applicant wants to review the accuracy of the Office's copy of such papers, applicant may either inspect the application (37 CFR 1.14(d)) or may request a copy of the Office's records of such papers (i.e., a copy of the copy made by the Office) from the Office of Public Records for the fee specified in 37 CFR 1.19(b)(4). Please do not call the Technology Center's Customer Service Center to inquiry about the completeness or accuracy of Office's copy of the above-identified papers, as the Technology Center's Customer Service Center will not be able to provide this service.

If applicant does not consider the Office's copy of such papers to be accurate, applicant must provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the originally submitted documents. If applicant provides such a copy of the above-identified papers and statement within **THREE MONTHS** of the mail date of this Office action, the Office will add the original mailroom date and use the copy provided by applicant as the permanent Office record of the above-identified papers in place of the copy made by the Office. Otherwise, the Office's copy will be used as the permanent Office record of the above-identified papers (i.e., the Office will use the copy of the above-identified papers made by the Office for examination and all other purposes). This three-month period is not extendable.